

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**AMERINDO INVESTMENT ADVISORS INC.,  
AMERINDO INVESTMENT ADVISORS, INC.,  
AMERINDO ADVISORS UK LIMITED,  
AMERINDO MANAGEMENT INC.,  
AMERINDO TECHNOLOGY GROWTH FUND, INC.,  
AMERINDO TECHNOLOGY GROWTH FUND II, INC.,  
TECHNO RAQUIA, S.A.,  
ALBERTO W. VILAR, and  
GARY ALAN TANAKA,**

**Defendants.**

**05 Civ. 5231 (RJS)  
ECF CASE**

**DECLARATION FOR  
CERTIFICATE OF  
DEFAULT**

Neal Jacobson declares under penalty of perjury as follows:

1. I am a member of the bar of this Court and am a lawyer employed by the New York Regional Office of the Securities and Exchange Commission (the “Commission”), the Plaintiff in this action.

2. I submit this declaration pursuant to Rules 55.1 and 55.2(a) of the Civil Rules for the United States District Court for the Southern District of New York, in support of Plaintiff’s application for the entry of a default against Amerindo Investment Advisors Inc. (“Amerindo US), Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., certain defendants in this action (collectively, the “Entity Defendants”).

3. This is an action to obtain injunctive relief, disgorgement of ill-gotten gains, prejudgment interest and civil money penalties against the Entity Defendants.

4. Jurisdiction of the subject matter of this action is based on federal statutes governing the Securities and Commodities Exchanges.

5. The action against Amerindo US was commenced on June 1, 2005 by the filing of a complaint (the "Complaint"). (Docket No. 1)

6. On June 25, 2005, Eugene R. Licker, Esq., counsel to Amerindo US, acknowledged accepting service of the summons and Complaint on behalf of Amerindo US. (Docket No. 23) Amerindo US answered the Complaint on August 19, 2005. (Docket No. 28)

7. On November 17, 2005, Plaintiff filed an amended complaint (the "Amended Complaint") against Amerindo US and also named the remaining Entity Defendants. (Docket No. 44) On November 21, 2005, Eugene R. Licker, Esq., counsel to Amerindo US, acknowledged accepting service of the Amended Complaint on behalf of Amerindo US. (Docket No. 62)

8. The summons and Amended Complaint were served on the remaining Entity Defendants by personal service on Gary Tanaka and Alberto Vilar, who, on information and belief, are officers of all of the Entity Defendants, on November 22, 2005 and November 30, 2005, respectively. The affidavits of service are at Docket Nos. 50 & 51 [Amerindo Investment Advisors, Inc.]; Docket Nos. 52 & 53 [Amerindo Advisors UK Limited]; Docket Nos. 54 & 55 [Amerindo Management Inc.]; Docket Nos. 56 & 57 [Amerindo Technology Growth Fund, Inc.]; Docket Nos. 58 & 59 [Amerindo Technology Growth Fund II, Inc.]; and Docket Nos. 60 & 61 [Techno Raquia, S.A.].

9. Subsequent to the filing of the Amended Complaint, the Court extended the time for all of the Entity Defendants to answer the Amended Complaint to May 10, 2010 (Docket No. 123), and thereafter the Court extended the time for Amerindo US to answer the Amended Complaint to June 10, 2010 (Docket No. 126) and for Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A. to answer the Amended Complaint to July 16, 2010. (Docket Nos. 124 & 134)

10. On July 14, 2010, the Court granted the motion of Eugene R. Licker, Esq., counsel to defendant Amerindo US, to withdraw his appearance as counsel for Amerindo US. (Docket No. 143)

11. On May 4, 2012, the Court authorized Plaintiff to file a second amended complaint (the "Second Amended Complaint") (Docket No. 226), and on May 25, 2012, Plaintiff filed its Second Amended Complaint against all of the Entity Defendants. (Docket No. 229) The Second Amended Complaint was served on all of the Entity Defendants by personal service on Alberto Vilar and Gary Tanaka, who, on information and belief, are officers of all of the Entity Defendants, on July 3, 2012 and July 24, 2012, respectively. The affidavit of service on Alberto Vilar is at Docket No. 233 and the affidavit of service on Gary Tanaka is at Docket No. 255.

12. Amerindo US has failed to answer the Amended Complaint and the Second Amended Complaint or to otherwise move as provided for by the Federal Rules of Civil Procedure and the Local Civil Rules.

13. Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., have failed to answer the Complaint, the Amended

Complaint, and the Second Amended Complaint, to otherwise move as provided by for the Federal Rules of Civil Procedure and the Local Civil Rules, or to appear in this action.

14. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

15. None of the Entity Defendants are minors, mentally incompetent, nor are they in the military service of the United States.

WHEREFORE, Plaintiff respectfully requests the entry of a Certificate of Default against defendants Amerindo Investment Advisors Inc., Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A.

Dated: New York, New York  
September 11, 2013

/s/Neal Jacobson

By: Neal Jacobson  
Securities and Exchange Commission  
New York Regional Office  
3 World Financial Center, Suite 400  
New York, New York 10281  
Telephone: (212) 336-0095  
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Email: Jacobsonn@sec.gov

EXHIBIT A

PROPOSED CLERK'S CERTIFICATE

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE COMMISSION,**

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AMERINDO TECHNOLOGY GROWTH FUND II, INC.,  
TECHNO RAQUIA, S.A.,  
ALBERTO W. VILAR, and  
GARY ALAN TANAKA,**

**Defendants.**

**05 Civ. 5231 (RJS)  
ECF CASE**

**CLERK'S CERTIFICATE**

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify as follows:

1. The action against Amerindo Investment Advisors Inc. ("Amerindo US") was commenced on June 1, 2005 by the filing of a complaint (the "Complaint"). (Docket No. 1)

2. On June 25, 2005, Eugene R. Licker, Esq., counsel to Amerindo US, acknowledged accepting service of the summons and Complaint on behalf of Amerindo US. Counsel's acknowledgment of service is at Docket No. 23. Amerindo US answered the Complaint on August 19, 2005. (Docket No. 28)

3. On November 17, 2005, Plaintiff filed an amended complaint (the "Amended Complaint") against Amerindo US and also named as defendants Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo

Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A. (collectively with Amerindo US, the “Entity Defendants”). (Docket No. 44) On November 21, 2005, Eugene R. Licker, Esq., counsel to Amerindo US, acknowledged accepting service of the Amended Complaint on behalf of Amerindo US. Counsel’s acknowledgment of service is at Docket No. 62.

4. It appears from the docket entries that the summons and Amended Complaint were served on Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., by personal service on Gary Tanaka and Alberto Vilar on November 22, 2005 and November 30, 2005, respectively. Affidavits of service for Amerindo Investment Advisors, Inc. are at Docket Nos. 50 and 51; for Amerindo Advisors UK Limited at Docket Nos. 52 and 53; for Amerindo Management Inc. at Docket Nos. 54 and 55; for Amerindo Technology Growth Fund, Inc. at Docket Nos. 56 and 57; for Amerindo Technology Growth Fund, II, Inc. at Docket Nos. 58 and 59; and for Techno Raquia, S.A. at Docket Nos. 60 and 61.

5. The Court extended the time for all of the Entity Defendants to answer the Amended Complaint to May 10, 2010 (Docket No. 123), and thereafter the Court extended the time for Amerindo US to answer the Amended Complaint to June 10, 2010 (Docket No. 126) and for Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., to answer the Amended Complaint to July 16, 2010. (Docket Nos. 124 & 134)

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8. It appears from the docket entries that the Second Amended Complaint was served on all of the Entity Defendants by personal service on Alberto Vilar and Gary Tanaka on July 3, 2013 and July 24, 2013, respectively. The affidavit of service reflecting personal service on Alberto Vilar is at Docket No. 233 and the affidavit of service reflecting personal service on Gary Tanaka is at Docket No. 255.

9. The docket entries indicate that Amerindo US has not answered the Amended Complaint or the Second Amended Complaint or otherwise moved with respect to the Amended Complaint or Second Amended Complaint herein.

10. The docket entries indicate that Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., have not filed an answer or otherwise moved with respect to the Complaint, the Amended Complaint, or the Second Amended Complaint herein, and have not appeared in this action.



11. The defaults of defendants Amerindo Investment Advisors Inc., Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., are hereby noted.

Dated: New York, New York  
                    , 2013

RUBY J. KRAJICK  
Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk